

THE SCOTT FIRM  
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ATTORNEYS FOR PLAINTIFF BARBARA BRYANT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BARBARA BRYANT, ) Case No.: 05cv8112 (RCC)  
                      )  
Plaintiff,          ) AMENDED COMPLAINT  
                      ) (DEMAND FOR JURY TRIAL)  
vs.                  )  
                      )  
VERIZON COMMUNICATIONS, Inc.;     )  
                      )  
COMMUNICATION WORKERS OF AMERICA    )  
                      )  
LOCAL 1103, (an unincorporated  
association operating under the laws  
of New York; and COMMUNICATION  
WORKERS OF AMERICA.

Defendants.

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Plaintiff BARBARA BRYANT alleges:

1. Plaintiff is and was at all times mentioned herein a citizen of the State of New York. Plaintiff is African-American, female, and at all times mentioned herein was an employee of Defendant VERIZON COMMUNICATIONS, Inc. and a bona fide, dues-paying member of Defendant COMMUNICATION WORKERS OF AMERICA, and Defendant COMMUNICATION WORKERS OF AMERICA LOCAL 1103. On or about May 31, 2004, plaintiff's employment was wrongfully terminated as hereinafter alleged.

1       2. Defendant, VERIZON COMMUNICATIONS, Inc. is a corporation incorporated  
2       under the laws of the State of Delaware having its principal place of  
3       business in the State of New York. Defendant, COMMUNICATIONS WORKERS OF  
4       AMERICA ("CWA") is, on information and belief, an unincorporated  
5       association operating and doing business as an employee representative  
6       organization in the State of New York. Defendant, COMMUNICATIONS  
7       WORKERS OF AMERICA LOCAL 1103 ("LOCAL 1103") is, on information and  
8       belief, an unincorporated association operating and doing business as  
9       an employee representative organization in the State of New York.

10      3. The subject matter jurisdiction of this Court over Defendant VERIZON  
11       COMMUNICATIONS, Inc. is predicated on Title VII of the Civil Rights Act  
12       of 1964, 42 U.S.C. §2000e et.seq., which prohibits discrimination in  
13       the workplace because of sex, gender, and race.

14      4. The subject matter jurisdiction of this Court over Defendant CWA is  
15       predicated on the status of CWA as the exclusive bargaining  
16       representative on behalf of plaintiff, and that for all times mentioned  
17       herein CWA breached its duty of fair representation of plaintiff.  
18       Plaintiff has fully used and exhausted all of the internal procedures  
19       of CWA available and known to her to secure fair representation.

20      5. The subject matter jurisdiction of this Court over Defendant LOCAL  
21       1103 is predicated on the status of LOCAL 1103 as the exclusive  
22       bargaining representative on behalf of plaintiff, and that for all  
23       times mentioned herein LOCAL 1103 breached its duty of fair  
24       representation of plaintiff. Plaintiff has fully used and exhausted  
25       all of the internal procedures of LOCAL 1103 available and known to her  
26       to secure fair representation.

1       6. Plaintiff additionally asserts pendent State claims of race and gender  
2                  discrimination under New York State Constitution Article I §11 and New  
3                  York State Executive Law Section 296, *et.seq.*

4       7. Plaintiff filed a timely charge of sex discrimination, race  
5                  discrimination, and retaliation with the Equal Employment Opportunity  
6                  Commission and has received a right-to-sue letter. Thus, she has  
7                  exhausted her administrative remedies.

8       8. Commencing on or about 2000, within the State of New York, Defendant  
9                  VERIZON'S employees, supervisors, and managerial employees, began a  
10                 pattern of discrimination and disparate treatment based on plaintiff's  
11                 race and gender, which included but is not limited to the following:

12                 (a) denying plaintiff access to the equipment that is necessary for her  
13                 to perform her assigned tasks in a satisfactory manner; (b)  
14                 disregarding plaintiff's seniority rights in the assignment of  
15                 equipment that is necessary for plaintiff to perform her assigned  
16                 tasks; (c) assigning plaintiff to work alone in areas known to be  
17                 dangerous and hazardous, and which customarily requires assignment in  
18                 pairs.

19       9. Defendant VERIZON, its employees, supervisors, and managerial agents,  
20                 have retaliated against plaintiff in violation of 42 U.S.C. §2000e-3(a)  
21                 by engaging in a course of retaliatory conduct when plaintiff  
22                 complained of disparate treatment based on her gender and race, and  
23                 when plaintiff exercised her prerogative to refuse a transfer or early  
24                 retirement including, but not limited to: (a) filing false and  
25                 unfounded accusations in plaintiff's personnel file; (b) filing a false  
26                 and unfounded time infraction in plaintiff's personnel file. This  
                retaliation continued up until the time of plaintiff's termination,

1 carried out by Peter A. Niles, Area Operations Manager, and the Human  
2 Resource Department employees of Defendant VERIZON acting within the  
3 course and scope of their employment.

4 10. Defendant VERIZON acted with malice and reckless disregard of  
5 plaintiff's rights under federal and state laws prohibiting  
6 discrimination in the workplace based on race and gender. Further,  
7 Defendant VERIZON'S wrongful conduct was carried out and ratified by a  
8 managing agent, or a managing agent of VERIZON had advance knowledge of  
9 the wrongful conduct toward plaintiff and ratified that conduct. As a  
10 result of Defendant VERIZON'S conduct, plaintiff is entitled to recover  
11 punitive and exemplary damages in an amount commensurate with  
12 applicable provisions of federal and state law.

13 11. Commencing on or about 2000, Defendant CWA breached its duty of  
14 fair representation of plaintiff by, but not limited to the following:  
15 (a) Ignoring and processing plaintiff's grievances in a perfunctory  
16 manner; (b) discriminating against plaintiff because of her race and  
17 gender; (c) exhibiting bad faith toward plaintiff in its actions and  
18 failure to act on behalf of plaintiff's grievances.

19 12. Commencing on or about 2000, Defendant LOCAL 1103 breached its  
20 duty of fair representation of plaintiff by, but not limited to the  
21 following: (a) Ignoring and processing plaintiff's grievances in a  
22 perfunctory manner; (b) discriminating against plaintiff because of her  
23 race and gender; (c) exhibiting bad faith toward plaintiff in its  
24 actions and failure to act on behalf of plaintiff's grievances.

25 13. Plaintiff hereby demands a trial by jury as provided by Rule 38(a)  
26 of the Federal Rules of Civil Procedure.

1 WHEREFORE, plaintiff prays for judgment against Defendant VERIZON as  
2 follows:

- 3 1. For compensatory damages, including loss of wages, promotional  
4 opportunities, benefits and other opportunities, benefits and other  
5 opportunities of employment, according to proof;
- 6 2. For mental and emotional distress damages;
- 7 3. For an award of interest, including prejudgment interest, at the legal  
8 rate;
- 9 4. Equitable relief directing that plaintiff be reinstated to the position  
10 of field technician with full seniority all benefits and rights  
11 restored;
- 12 5. For an award of prevailing party attorneys fees;
- 13 6. For punitive and exemplary damages in an amount sufficient to punish  
14 and deter defendant's outrageous conduct;
- 15 7. For costs of suit incurred herein, and,
- 16 8. For such other and further relief as the court deems just and proper.

17 WHEREFORE, plaintiff prays for judgment against Defendant CWA as follows:

- 18 1. An order directing CWA to request reinstatement of plaintiff to the  
19 position of field technician;
- 20 2. An order directing CWA to process plaintiff's grievance diligently and  
21 in good faith;
- 22 3. An order directing that CWA make plaintiff economically whole until she  
23 is reinstated or has obtained substantially equivalent employment, or  
24 until the grievance is processed to a proper conclusion;
- 25 4. Such other relief that the Court deems proper.

26 WHEREFORE, plaintiff prays for judgment against Defendant LOCAL 1103 as  
follows:

1. An order directing LOCAL 1103 to request reinstatement of plaintiff to  
2 the position of field technician;
3. An order directing LOCAL 1103 to process plaintiff's grievances  
4 diligently and in good faith;
5. An order directing that LOCAL 1103 make plaintiff economically whole  
6 until she is reinstated or has obtained substantially equivalent  
7 employment, or until the grievance is processed to a proper conclusion;
8. Such other relief that the Court deems proper.

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10  
11 DATED: January 19, 2005  
Brooklyn, New York

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13 Attorney for Plaintiff Barbara Bryant  
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1  
2 **UNITED STATES DISTRICT COURT**  
3 **SOUTHERN DISTRICT OF NEW YORK**

4 -----X  
5 BARBARA BRYANT,  
6 Plaintiff,

7 against

8 VERIZON COMMUNICATIONS, COMMUNICATION  
9 WORKERS OF AMERICA LOCAL 1103 and  
10 COMMUNICATION WORKERS OF AMERICA,  
11 Defendants.

12 -----X  
13  
14 **AMENDED COMPLAINT**

15 -----X  
16  
17  
18  
19  
20 **THE SCOTT FIRM**  
21 **802 KENT AVENUE**  
22 **THIRD FLOOR**  
23 **BROOKLYN, NEW YORK 11205**  
24 **718.852.7000(P) 718.852.3302(F)**

## VERIFICATION

**STATE OF NEW YORK )**

COUNTY OF KINGS )

I, **BARBARA BRYANT**, being duly sworn, deposes and says that I am the plaintiff in the within action; I have read the foregoing verified complaint and know the contents thereof; the contents of the amended complaint are true to my knowledge, except as to those matters I believe to be true upon information and belief.

BARBARA BRYANT

Sworn to before me on the

day of           , 2006

NOTARY PUBLIC